

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated November 16, 2006.

Claims 1-11 are the claims currently pending in the present application.

Claims 1-4, 6-9, 10 and 11 are amended to conform them more closely to U.S. patent practice style. No new issues requiring further searching are believed to be raised by these amendments.

### ***Rejection of Claims 1-11 under 35 U.S.C. § 102***

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Davison (5,322,055).<sup>1</sup> Reconsideration of this rejection is respectfully requested.

According to an aspect of applicant's claimed invention, parts at or near a distal end of the insert portion or jaw of the ultrasonic operating apparatus can be replaced in a convenient manner, for example by use of a dedicated tool for changing a tip of the ultrasonic operating apparatus. Accordingly, replacing parts that are worn out, cleaning, and installing new parts is facilitated.

For at least the following reasons, the recitations of independent claims 1, 5, 6 and 9 are neither anticipated by nor obvious based on the cited art. Claim 1 requires an ultrasonic operating apparatus including a jaw having at least supporting arms, and a joint portion removably coupling the tip between the supporting arms of the jaw body. Claim 5 requires a tool for changing a tip of an ultrasonic operating apparatus, the tool comprising wedge-shaped separating portions adapted to be removably inserted into spaces between a tip and supporting arms on the opposite sides of a jaw body. Further, claim 6 requires an ultrasonic operating apparatus comprising a locking portion operative to disengageably lock the seizing portion to the distal end acting portion, the locking portion operative to release the seizing portion assembled with the distal end acting portion by using a dedicated tool. Moreover, claim 9 requires an ultrasonic operating apparatus system comprising a probe unit replacing member replaceable with the probe unit with respect to the ultrasonic

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<sup>1</sup> Paragraph 1 of the Office Action, page 2, recites that claims 1-10 are rejected under 35 U.S.C. § 102. However, the final line of page 2 of the Office Action and the Office Action Summary indicate all of the claims, claims 1-11, as being rejected. Therefore, applicant presumes that the Examiner meant in paragraph 1 of page 2 of the Office Action to state that claims 1-11 are being rejected.

operating apparatus main body, the probe unit replacing member having the distal end allowance portion in a shape different from the probe unit.

Davison discloses an ultrasonic surgical apparatus that includes a clamp jaw and blade rotatable relative to one another to align a selected blade edge of a multi-edged blade with the clamp jaw for cutting and coagulating (Davison, Abstract), including a number of different blade and jaw designs for various uses of the ultrasonic surgical apparatus (Davison, column 12, lines 11-14; Figures 8a-8o), and a clamp accessory that is readily removable from the handpiece for cleaning and replacement (Davison, column 5, lines 47-49).

Davison does not disclose or suggest a jaw including a jaw body having a joint portion removably coupling a tip between supporting arms of the jaw body, as *inter alia* required by independent claim 1. First, Davison does not disclose or suggest a jaw body with supporting arms arranged individually on opposite sides of a slot extending in an axial direction of the insert portion. Further, Davison does not disclose or suggest a joint portion removably coupling a tip between such supporting arms of the jaw body. That is, Davison is silent with respect to such a joint portion, let alone a joint portion disposed in a cooperative relationship with such supporting arms. Accordingly, the recitations of claim 1 are not disclosed or suggested by Davison.

Davison does not disclose or suggest a tool for changing a tip of an ultrasonic operating apparatus, as *inter alia* required by independent claim 5. As discussed, Davison is directed to an ultrasonic operating apparatus, but is silent with respect to a tool for changing a portion, such as a tip, of an ultrasonic operating apparatus. Further, since Davison does not disclose or suggest such a tool, Davison is incapable of disclosing or suggesting a tool for changing a tip of an ultrasonic operating apparatus, or a tool comprising wedge-shaped separating portions adapted to be removably inserted into spaces between a tip for seizing an organism tissue and supporting arms on the opposite sides of a jaw body, as further required by independent claim 5.

Further, Davison does not disclose or suggest an ultrasonic operating apparatus comprising a locking portion operative to disengageably lock the seizing portion to the distal end acting portion, the locking portion being operative to release the seizing portion assembled with the distal end acting portion by using a dedicated tool, as *inter alia* required by independent claim 6. As discussed,

Davison is silent with respect to any kind of tool or dedicated tool used for locking, unlocking, releasing, or removing portions or parts of an ultrasonic operating apparatus. Accordingly, Davison does not disclose or suggest the recitations of claim 6.

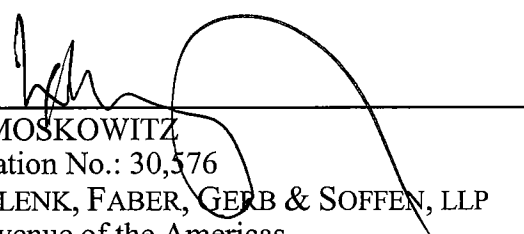
Moreover, Davison does not disclose or suggest an ultrasonic operating apparatus system including a probe unit replacing member assembled to be replaceable with the probe unit with respect to the ultrasonic operating apparatus main body, the probe unit replacing member having the distal end allowance portion in a shape different from the probe unit, as *inter alia* required by independent claim 9. That is, Davison is silent with respect to a system that includes an ultrasonic operating apparatus and various replacing members of different types operative to be used with the apparatus. Therefore, Davison does not disclose or suggest the recitations of claim 9.

Claims 2-4 depend from claim 1, claims 7 and 8 depend from claim 6, and claims 10 and 11 depend from claim 9. Therefore, claims 2-4, 7, 8, 10 and 11 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

In view of the foregoing discussion, withdrawal of the rejection and allowance of the application are respectfully requested. Should the Examiner have any questions regarding the present Amendment or regarding the application generally, the Examiner is invited to telephone the undersigned attorney at the below-provided telephone number.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
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